

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rodney Hosino,

Petitioner

v.

Tim Garrett, et al.,

Respondents

Case No. 2:21-cv-02234-GMN-VCF

Order

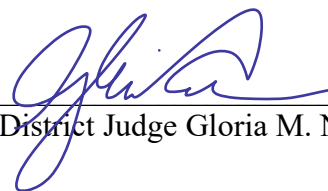
In this habeas corpus case under 28 U.S.C. § 2254, petitioner, Rodney Hosino, filed a motion for appointment of counsel with his habeas petition that the court overlooked when it screened the petition. ECF Nos. 1-4, 6. For reasons that follow, the court denies the motion.

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Hosino's petition presents the grounds on which he challenges his state criminal proceeding in a reasonably clear manner, and

1 the legal issues do not appear to be particularly complex. Thus, appointment of counsel is not
2 warranted in this case.

3 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF
4 No. 1-4) is DENIED.

5 Dated: October 21, 2022

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U.S. District Judge Gloria M. Navarro